



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,314	04/17/2006	Donatien Roger	9777-3	7870
20792 7590 09/29/2009 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER DINH, TEN QUANG				
ART UNIT 3644		PAPER NUMBER		
MAIL DATE 09/29/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/569,314

**Applicant(s)**

ROGER, DONATIE

**Examiner**

Tien Dinh

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-62 is/are pending in the application.
- 4a) Of the above claim(s) 51-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-50, 54-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 2/06/09 7/09

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 51-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/09. Please note that claims 51-53 do not read upon the elected species shown in figure 11.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the harness and releasable holding device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 46-50 and 53-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re claim 46 and 61, it is claimed that upon releasing the clamp using the pivot arm with the traction line under tension, the clamp will move to an open position. How is this done? What does “releasing the clamp” mean? Doesn't the traction bar in contact with the lug/ring release the traction line from the user? Furthermore, it seems that applicant has claimed the reversed. Shouldn't the clamp be moved to an “open position” first and with the tension to the traction line, the clamp will then be released with the pivot arm being moved so that the traction line be free of the clamp? This would mean that the jaw will release the traction line from the clamp. In addition, even if the jaw clamp were to release traction line 1, wouldn't the traction bar and clamp still be connected to each other? It is not understood how the second arm segment

is configured and positioned to bear against the traction when the traction bar is released by the user to thereby forcibly pivot the pivot arm from a locking position to the releasing position.

How is it possible for the rings to accept the bar so as to push the ring according to any angle and direction to open the jaw or the snap hook? Could this be because the ring is angled? Looking at figure 11 of the elected species, it is hard to see how the bar at any angle and direction can force the jaw to open. Please explain.

In claims 46 and 61, it is claimed that the pivot arm is pivotable relative to the clamp? However, isn't the pivot arm part of the clamp? Is this pivot arm something completely different?

Re claim 57, what is a releasable holding device? Where is this shown? Is this the clamp? If so, then use consistent claim language.

Claim 62, isn't the pivoting arm part of the releasable holding means hence how could it be connected to the holding means?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 48 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 48, what is a mating feature of the other? What is the other?

In claim 57, the releasable holding device lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

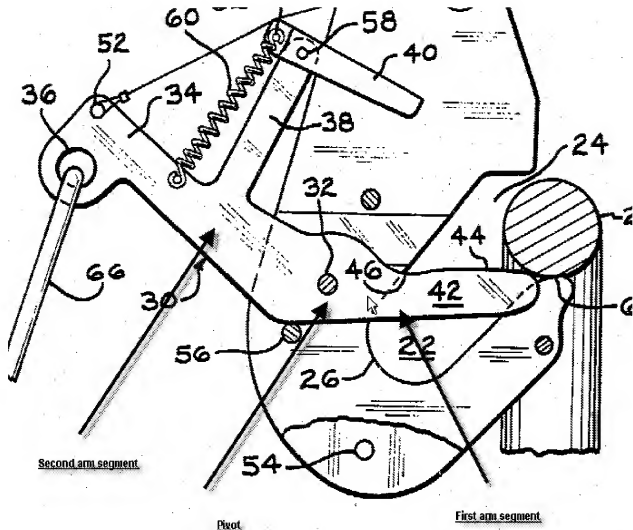
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-50 and 54-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farich 6514115 in view Fournier 3918758 and Gentry 20040182968.

Farich teaches a kite surfing apparatus with a kite 22, traction line 34 (the front traction line), second traction lines 36,38 (which is the rear traction line) connected to the traction bar 10, and harness connecting means 20 that attaches a user's harness to the kite. Farich is silent on the claimed release device which is taught by Fournier. Fournier discloses a release device having a releasable holding means including articulation means forming a clamp/snaphook 10. See column 2, line 29 and 30. Plus, the elastic means 60 holds the articulation means to a closed position. The pivot arm 42 is connected to the clamp 10 and is pivotable around the pivot axis/rotary pin 32. The pivot arm is pivoted with parts 66 to overcome the spring 60 so that when the traction line is attached to the clamp, the traction line can be released when the clamp is in an open position. The first and second arm segment is shown below in the attached figure. The lug is numbered 34 to cause the angular pivoting movement of the pivoting arm so as to release the traction lines. The locking position is shown in figure 1. The release position is shown in figure 3. Plus, Gentry teaches that a line release system that is between the traction line and the user is well known.

It would have been obvious to one skilled in the art at the time the invention was made to have used a release system that has a releasable holding means (to be used between the traction line and the user) including articulation means forming a clamp/snaphook, elastic means to hold the articulation means to a closed position, pivot arms 42 is connected to the clamp, and lugs/rings to cause the angular pivoting movement of the pivoting arm so as to release the traction lines in Farich's system as taught by Fournier and Gentry to have a safer release.



RE claim 48, the jaw is numbered 12. The first arm segment has a protrusion that engages and interlock with mating feature 54. See figure 1 of Fournier.

Re claim 49, the pair of relative pivotable opposed jaws are numbered 42 and 40 shown in Fournier.



Re claim 50, the examiner takes official notice that leaf springs are well known and that one skilled in the art would have used leaf springs in Farich's system as a mere substitution of parts.

Re claim 59, since the when the traction arm is released, a traction arm of Farich as modified by Fournier would be in contact with lug 34 to force the jaw to open.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ponting et al, Seager, Dahlander, Gross, Bellacera, and Royannais et al teach safety means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 571-272-6899. The examiner can normally be reached on 12-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tien Dinh/  
Primary Examiner, Art Unit 3644